

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 211 – HB 709

March 29, 2017

**SUMMARY OF ORIGINAL BILL:** Creates the *Public Safety Behavioral Health Act*. Requires public safety employers to, in addition to any other health benefits offered, provide at least ten visits with a licensed professional counselor for the purpose of treating post-traumatic stress disorder (PTSD) at no cost to a public safety employee. Further requires the employers to: promote the use of licensed professional counselors and other behavioral health professionals to public safety employees; establish, in conjunction with licensed professional counselors, support programs in an effort to mitigate behavioral health issues within the public safety employee community; and maintain, and regularly provide public safety employees with, a list of licensed professional counselors who are qualified to provide trauma therapy under this section.

Prohibits public safety employers from engaging in the retaliatory treatment of public safety employees seeking or utilizing licensed professional counselors or behavioral health programs, including but not limited to, discharge, denial of promotions, punitive work assignments, transfers, or similar retaliatory actions.

Requires licensed professional counselors providing services to public safety employees to participate in training that familiarizes the counselors with the unique problems associated with each public safety profession, including but not limited to, critical incident response training, critical incident stress management, field exercises such as ride-alongs, visits to fire and police stations, and similarly appropriate training.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$446,300

Increase Local Expenditures - \$2,625,000\*

**SUMMARY OF AMENDMENT (006281):** Deletes all language after the enacting clause. Creates the *Tennessee Public Safety Behavioral Health Act*. Requires public safety employers, in addition to any other behavioral or mental health benefits offered, to provide at least ten visits or sessions with a mental health service provider for the purpose of treating post-traumatic stress disorder (PTSD) through the employee's health benefits or otherwise. Authorizes public safety employers to require a co-pay or co-insurance for these visits that is no more than the co-pays or co-insurance for other health benefits offered by the employer. Defines public safety employee as any emergency medical worker or professional fire fighter, who is a paid, full-time employee of a public safety employer.

Further requires the employers to: promote the use of a mental health service provider and other behavioral health professionals to public safety employees; establish, in conjunction with a mental health service provider, support programs in an effort to mitigate behavioral health issues within the public safety employee community; and maintain, and regularly provide public safety employees with, a list of mental health service providers who are qualified to provide trauma therapy under this section at a minimum of once per year.

Prohibits public safety employers from engaging in the retaliatory treatment of public safety employees seeking or utilizing mental health providers or behavioral health programs, including but not limited to, discharge, denial of promotions, punitive work assignments, transfers, or other similar retaliatory actions.

Requires mental health service providers, at a minimum of once per year, providing services to public safety employees, to participate in training that familiarizes the counselors with the unique problems associated with each public safety profession lifestyle, including but not limited to, critical incident response training, critical incident stress management, field exercises such as ride-alongs, visits to fire and emergency medical services (EMS) stations, and similarly appropriate training.

Exempts any benefits offered and provided for by this section from applying to workers' compensation plans under Title 50.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Increase Local Expenditures - \$588,200\***

Assumptions for the bill as amended:

- Based on information provided by the Department of Commerce and Insurance (DCI), there are approximately 7,242 career firefighters in Tennessee.
- Based on information from the Bureau of Labor statistics, 34.47 percent of Emergency Medical Services (EMS) personnel are employed by governments. The Office of EMS states there are 16,915 licensed EMS personnel in Tennessee. This would result in 5,831 (16,915 x 34.47%) EMS personnel meeting the provisions of the proposed legislation.
- The proposed legislation requires that public safety employers must provide at least 10 visits with a mental health service provider for the purpose of treating PTSD through the employee's health benefits or otherwise and are authorized to require a co-pay or co-insurance for these visits that is no more than co-pays or co-insurance for other health benefits offered by the employer.
- According to information provided by the Department of Finance and Administration, Division of Benefits Administration, the proposed legislation would not affect the current level of coverage offered by Benefits Administration because they do not

directly employ any public safety personnel; therefore, any fiscal impact is estimated to be not significant.

- The number of public safety employees, if any, employed by the state is unknown. However, it is estimated that any such number is relatively low and the bill as amended would not result in a significant increase in state expenditures.
- It is assumed that the average cost per counseling session is at least \$75.
- Assuming public safety employers provide these services to ten percent, or 1,307 [(7,242 + 5,831) x 10.0%] of their public safety employees and cover at least \$45 (\$75 session - \$30 co-pay), the mandatory recurring increase in local expenditures is estimated to exceed \$588,150 (1,307 employees x \$45 x 10 visits).

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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